



January 17, 2006

Mr. John Murray
Kercher Engineering, Inc.
413 East Market Street
Georgetown, DE 19947

RE: PLUS review – PLUS 2005-12-05; Redden Business Park

Dear Mr. Murray:

Thank you for meeting with State agency planners on December 28, 2005 to discuss the proposed plans for the Redden Business Park project to be located on the southwest corner of Route 113 and Sussex County Road 40 intersection.

According to the information received, you are seeking a conditional use to place a 79,000 sq. ft. business park on 12.04 acres in the Level 4 area.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

This project represents a major land development in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. This project is also located outside of a designated growth area in relevant municipal and county certified comprehensive plans. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the cost of maintaining infrastructure and providing services increases.

This business park is proposed in a Low Density area identified in Sussex County's Comprehensive Plan. Business parks should be located on appropriately zoned land within development districts.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

The Division of Historical and Cultural Affairs has no comments or concerns about this project. However, should burials be encountered, marked and unmarked human remains, are protected by Delaware law. Please refer to the following sections of the Delaware State Code: (1) Title 11 Sub-Chapter 1340, titled "Desecration of Burial Places"; and (2) Title 7 Chapter 54, known as the "Delaware Unmarked Human Remains Act". For more information about these laws and the implications for the project, contact Craig Lukesic or Faye Stocum of this office at 302-736-7400. The Division provides a list of qualified consultants on our web site at <http://www.state.de.us/shpo/PDF/Consultants.pdf>.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

This development is proposed for an area designated as Level 4 under the *Strategies for State Policies and Spending*. The *Strategies for State Policies and Spending* have deemed the type of development being proposed inappropriate for this area. As part of our commitment to support the *Strategies*, DelDOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DelDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 Areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services.

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comments.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Investment Level 4 Policy Statement

This project is proposed for an Investment Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and county certified comprehensive plans. According to the *Strategies* this project is inappropriate in this location. In Investment Level 4 areas, the State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for recreational activities, while helping to define growth areas. Additional state investments in water and wastewater systems should be limited to

existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.

With continued development in Investment Level 4 areas, the State will have a difficult, if not impossible, time attaining water quality (e.g., TMDLs) and air quality (e.g., non-attainment areas for ozone and fine particulates) goals. Present and future investments in green infrastructure, as defined in Governor Minner's Executive Order No. 61, will be threatened. DNREC strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in certified Comprehensive Plans. DNREC encourages the use of transfer of development rights where this growth management tool is available.

This particular development certainly compromises the integrity of the State Strategies and the preservation goals inherent in many of DNREC's programs. Of particular concern are: the project's potential impacts on green infrastructure (natural resource and recreation priorities and working forests), high percentage of impervious cover, and potential impacts to wetlands. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with our State growth strategies.

Green Infrastructure

Portions or all of the lands associated with this proposal are within the Livable Delaware Green Infrastructure area established under Governor Minner's Executive Order #61 that represents a network of ecologically important natural resource lands of special state conservation interest.

Green infrastructure is defined as Delaware's natural life support system of parks and preserves, woodlands and wildlife areas, wetlands and waterways, productive agricultural and forest land, greenways, cultural, historic and recreational sites and other natural areas all with conservation value. Preserving Delaware's Green Infrastructure network will support and enhance biodiversity and functional ecosystems, protect native plant and animal species, improve air and water quality, prevent flooding, lessen the disruption to natural landscapes, provide opportunities for profitable farming and forestry enterprises, limit invasive species, and foster ecotourism.

Voluntary stewardship by private landowners is essential to green infrastructure conservation in Delaware, since approximately 80 percent of the State's land base is in private hands. It is in that spirit of stewardship that the Department appeals to the landowner and development team to protect sensitive resources through an appropriate site design.

Soils

According to the Sussex County soil survey Klej, Fallsington, Elkton, and Pocomoke were mapped in the immediate vicinity of the proposed construction. Klej is a moderately well-drained soil that has moderate limitations for development. Fallsington and Elkton are poorly-drained wetland associated (hydric) soils that have severe limitations for development. Pocomoke is a very poorly-drained wetland associated (hydric) soil that has the highest severity level for development. It is estimated that at least 80 percent of the soils on this parcel are wetland associated (hydric) soils.

It should also be noted that siting a commercial development in naturally wet soils – such as proposed in this project - is likely to leave property owners of adjacent parcels significantly more susceptible to flooding events – especially during extended periods of high intensity rainfall events associated with tropical storms/hurricanes or “nor’easters.” It is strongly recommended that the applicant avoid development on hydric soil mapping units as a means to prevent future flooding problems on this and adjoining parcels.

Wetlands

PLUS materials indicate the presence of palustrine wetlands in this parcel. These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex. Site plans clearly show direct impacts to wetlands through construction activities.

Wetland Permitting Information

PLUS application materials indicate that wetlands have been delineated (presumably a field delineation). This delineation should be verified by the Army Corps of Engineers through the Jurisdictional Determination process. Please note that impacts to palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In situations where the applicant believes that the delineated wetlands on

their parcel are nonjurisdictional isolated wetlands, the Corps must be contacted to make the final jurisdictional assessment. They can be reached by phone at 736-9763.

In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-9943 to schedule a meeting.

Impervious Cover

The Watershed Assessment Section believes that the amount of imperviousness (approximately 63%) generated by this project is excessive and should be reduced. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. Since the amount of imperviousness generated by this project will be well over this 10 percent threshold, the applicant is strongly advised to pursue best management practices (BMPs) that mitigate and reduce its predictable impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with additional native tree and shrub plantings - are examples of practical BMPs that could easily be implemented to reduce surface imperviousness. Even better, reducing the amount of constructed structural imperviousness (i.e., building and parking lots) in the first place is probably the best BMP and should also be considered.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Gravelly Branch watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. In the Gravelly Branch watershed, "target-rate-reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

Compliance with TMDLs through the PCS

Significant nitrogen and phosphorus loading reductions must be realized from all sources, including onsite wastewater systems. The Department has developed performance-based standards for on-site wastewater treatment and disposal systems that have been presented as a part of the proposed Pollution Control Strategy (PCS). Upon promulgation of the proposed PCS regulation, new and existing wastewater disposal systems must reduce nitrogen and phosphorus loading in the Inland Bays watershed. Such reductions – known as “Performance Standards” - will require (where applicable) nitrogen and phosphorus loading not exceed average annual discharge concentration levels of 5 and 2 mg/l for nitrogen and phosphorus, respectively.

The proposed pollution control strategy will also require the completion of a nutrient budget to estimate nutrient load changes following development; documentation of these load changes will be assessed through a nutrient budget. The protocol for the nutrient budget is a computer-based model that quantifies post-development nutrient loading under a variety of land use scenarios in combination with a variety (or absence) of BMP types and intensities. The post-development loading rate is then compared with the pre-development loading rate as a means to assess whether the project meets the prescribed TMDL nutrient load reductions. Although information presented in the application was insufficient for us to make a definitive assessment of this project’s actual nutrient loading, it is likely that the project as currently conceived will not meet TMDL nutrient load reductions. The applicant is strongly advised to consider the use of appropriate BMPs and/or Best Available Technologies (BATs) to ensure compliance. Examples of BMPs or BATs that should be used to significantly reduce nutrient loading from this project, include: practices that prevent or mitigate for surface imperviousness (calculations should include all roadways); reductions in the amount of forest cover slated for removal; maintenance of recommended wetland buffer widths; use of innovative or “green-technology” stormwater methodologies; and use of performance-based wastewater disposal systems or, better yet, connection to public sewer. The applicant is encouraged to consider all of the above-suggested BMPs or BATs to ensure that these reductions are attained. The applicant is also encouraged to obtain the nutrient budget protocol and calculate for themselves whether their development meets the TMDL nutrient reductions. Please contact Lyle Jones at 739-9939 for further information about obtaining this protocol.

ERES Waters

This project is located adjacent to receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the

maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

Water Supply

The project information sheets state that water will be provided to the project by a commercial on-site well. DNREC records indicate that the project site is not located in an area where public water service is available. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Since an on-site public/miscellaneous public well will be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be located and constructed in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

Standard Comments:

1. A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.
2. It is strongly recommended that you contact Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post- development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.
3. A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.
4. Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.
5. Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.
6. Clearly address how Stormwater Quality and Quantity Treatment will be provided. If this project is eligible for a Quantity Waiver, please make the request in the stormwater narrative citing the specific regulation.
7. Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.

8. If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.
9. All ponds are required to be constructed per pond code 378.

Design Specific Comments:

1. Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval. Please address.
2. A Certified Construction Reviewer (CCR) is required for commercial projects that are 2 acres or greater.
3. Consideration should be made for any adjacent properties during the design of the project, including drainage and erosion/sediment control.
4. Please demonstrate to the District that this project has an adequate outfall. You will be required to analyze the outfall ditch as $\frac{1}{2}$ full for the quality and 2-year storm and full for the 10- and 100-year storm events or provide a down stream analysis.
5. Provide assurance that this is not located within a tax ditch watershed.
6. District will require a minimum 15-foot buffer around the top of pond to allow for future maintenance.
7. District does not recommend removing forest for the construction of the stormwater facility. Please investigate a more suitable location.

Forest Preservation

According to the application there is no forest on this property, however, according to DNREC's GIS database and aerial photographs there are several acres of trees. There are also indications that it was cut over in the last couple years. Efforts to preserve what forest remains on this site should be made. Some species of wildlife are dependent on early successional habitats such as what results after several years of forest regeneration. In addition, preserving more of the forest or existing vegetation will reduce the 68% impervious surface that is going to be created by the project as it is presented currently.

The applicant should consider habitat restoration as part of the open space and our program botanist, Bill McAvoy can offer assistance forming a plan and plant list (302-653-2880).

Nuisance Waterfowl

Stormwater management ponds that remain in the site plan may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. DNREC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Underground Storage Tanks

There is one inactive and one active LUST site(s) located near the proposed project:

Warrington Enterprises, Inc., Facility # 5-000553, Project # S9307138
Redden Dairy Market, Facility # 5-000332, Project # S9203062

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal,

the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (Mercantile) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Redden Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
- d. **Gas Piping and System Information:**
 - Provide type of fuel proposed, and show locations of bulk containers on plan.
- e. **Required Notes:**
 - Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
 - Proposed Use
 - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
 - Square footage of each structure (Total of all Floors)
 - National Fire Protection Association (NFPA) Construction Type
 - Maximum Height of Buildings (including number of stories)
 - Note indicating if building is to be sprinklered
 - Name of Water Provider
 - Letter from Water Provider approving the system layout
 - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
 - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Milton Melendez 698-4500

The proposed development is in an area designated as Level 4 under the *Strategies for State Policies and Spending*. The *Strategies* and the Sussex County Comprehensive Plan do not support this type of isolated development in this area. The intent of these plans is to preserve the agricultural lands, forestlands, recreational uses, and open spaces that are preferred uses in Level 4 areas. The Department of Agriculture opposes the proposed development which conflicts with the preferred land uses, making it more difficult for agriculture and forestry to succeed, and increases the cost to the public for services and facilities.

More importantly, the Department of Agriculture opposes this project because it negatively impacts those land uses that are the backbone of Delaware's resource industries - agriculture, forestry, horticulture - and the related industries they support. Often new residents of developments like this one, with little understanding or appreciation for modern agriculture and forestry, find their own lifestyles in direct conflict with the demands of these industries. Often these conflicts result in compromised health and safety; one example being decreased highway safety with farm equipment and cars competing on rural roads. The crucial economic, environmental and open space benefits of agriculture and forestry are compromised by such development. We oppose the creation of isolated development areas that are inefficient in terms of the full range of public facilities and services funded with public dollars. Public investments in areas such as this are best directed to agricultural and forestry preservation. This site is also designated as a "Good Recharge" area, meaning that the area has valuable ground water recharge qualities. In addition, this site overlaps with the State's Green Infrastructure Investment Strategy Plan. The Cropland layer overlaps this site; this designation identifies areas that are highly suitable for agricultural production.

The Delaware Department of Agriculture supports growth which expands and builds on existing urban areas and growth zones in approved State, county and local plans. Where additional land preservation can occur through the use of transfer of development rights, and other land use measures, we will support these efforts and work with developers to implement these measures. If this project is approved we will work with the developers to minimize impacts to the agricultural and forestry industries. This site is a part of a "good recharge" area. DNREC has mapped all ground water potential recharge areas. A "good" rating is the second highest rating and designates an area as having important groundwater recharge qualities. Maintaining pervious cover in "Excellent" and "Good" recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as "excellent" and "good" recharge areas adversely impacts the future prospects for agriculture in Delaware.

The Delaware Forest Service supports comments prepared by the Department of Agriculture and considers this development to be a catalyst development that would directly impact Redden State Forest near Georgetown; further limiting the Forest Service's ability to manage these resources for the betterment of the state. We encourage the developer to work with our offices to develop other alternatives for this project.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project is not within a certificated service territory for any water provider. Should water services be desired, the utility would need to apply to the Commission for a CPCN.

The project is not within a certificated service territory for any wastewater provider. Should wastewater services be desired, the utility would need to apply to the Commission for a CPCN.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Sussex County – Contact: Rick Kautz 855-7878

The developer needs to remove all parking from the front setback. The Planning Commission is no longer granting waivers. See Section 115-166C of the County Code.

The site plan should also show compliance with the Route 113 Highway Corridor Overlay as required by 115-194.1 of the County Code, where applicable.

Depending on the nature of the proposed "business" park (commercial or industrial), the development should located the appropriate and usual zoning district. Such use is not a typical conditional use. According to Section 115-171 of the County Code, Conditional Uses "are generally of a public or semipublic character" and possibly impact not only neighboring properties but a large section of the county. Hence the conditions. Business parks typically are located in more urban areas with surrounding and supporting services, complimentary businesses and nearby workers. Business parks do not provide for a full range of agricultural activities, low-density single-family residential development or prevent the untimely scattering of more-dense urban uses.

This fiscal year Sussex County will be considering implementation of a Source Water Protection Program required by the State. Depending on the requirements adopted by the County Council this project might be affected. Any well location should insure that the wellhead protection area is entirely on site.

The project proposes to develop using a private central community wastewater system. We recommend that the wastewater system be operated under a long-term contract with a capable wastewater utility. In addition, we recommend they have a wastewater utility provider prior to approving the project. The proposed project is located outside of the Inland Bays Planning area where Sussex County expects to provide sewer service. Sussex County requires design and construction of the collection and transmission system

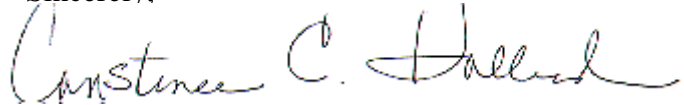
to meet Sussex County sewer standards and specifications. A review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required and plan review fees may apply. Disposal fields should not be counted as open space. Wastewater disposal fields should be clearly identified on recorded plots.

If Sussex County ever provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developers and/or owners expense.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name being the most prominent.

Constance C. Holland, AICP
Director

CC: Sussex County